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02
03
04 For the public hearing and request for public comment
05
06 on a
07
08 TECHNICALLY COMPLETE SOLID
09 WASTE PERMIT APPLICATION
10 and the ASSOCIATED ENVIRONMENTAL
11 ASSESSMENT STATEMENT (EAS)
12
13 FOR
14
15
16 TWO RIVERS RECYCLING, LLC
17 Catahoula Parish, Louisiana
18
19 Agency Interest Number 131943
20 Activity Tracking Number PER20060001
21
22 Tuesday, August 22, 2006
23
24
25 PUBLIC HEARING, held on August 22, 2006, 6:05
26 p.m., at the Catahoula Parish Library,
27 Harrisonburg, Louisiana, before Ann Baker,
28 Certified Court Reporter.
29
30 A P P E A R A N C E S
31
32 OFFICE OF THE SECRETARY
33 LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
34 LEGAL AFFAIRS DIVISION
35 BY OLLIE CASWELL "O.C." SMITH, III
36 P. O. BOX 4302
37 BATON ROUGE, LOUISIANA 70821-4302
38
39 ENVIRONMENTAL SCIENTIST
40 OFFICE OF ENVIRONMENTAL SERVICES
41 DEPARTMENT OF ENVIRONMENTAL QUALITY
42 ENVIRONMENTAL ASSISTANCE DIVISION
43 DINA HEIDAR
44 P. O. BOX 4313
45 BATON ROUGE, LOUISIANA 70821-4313
46
47 ALSO PRESENT: Mr. Chris Mayeux
48 Ms. Laura Ambeau
49 Mr. Calvin Fair
50 Mr. Brian Smith
51 Ms. Debra Jones
52

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01 PUBLIC HEARING
02 [BY MR. SMITH:]
03 Good evening. Let the record reflect that the
04 time is 6:05 p.m. My name is O.C. Smith, III. I
05 am employed with the Louisiana Department of

Environmental Quality. I will be serving as the hearing office this evening, Tuesday, August 22nd, 2006. This hearing is scheduled to accept public comments concerning a technically complete solid waste permit application and the associated environmental assessment statement for Two Rivers Recycling, LLC, 116 Delta Gin Road, Jonesville, Louisiana 71343, Agency Interest Number 131943 and Activity Tracking Number PER20060001. The facility is located approximately fifteen miles northeast of Marksville, Louisiana in Catahoula Parish. Two Rivers Recycling, LLC proposes to operate a construction and demolition debris landfill. The EAS submitted by the applicant addresses avoidance of potential and real environmental effects, balancing of social and economical benefits against environmental impact costs and alternative sites, projects and mitigated measures. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this

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public hearing is for DEQ to receive your comments concerning the technically complete solid waste permit application and the associated environmental assessment statement or EAS. This hearing is to provide all individuals a chance to be heard regardless of their position on the technically complete solid waste permit application and the associated environmental assessment statement or EAS. Courteous behavior is expected of everyone at all times. You may speak in support of the technically complete solid waste permit application and EAS, in opposition to the technically complete solid waste permit application and EAS, or simply to provide additional information. All interested persons will be given a reasonable opportunity to comment unless testimony is not related to the purpose of the hearing. Your comments will be evaluated and addressed in the department's written response. A public notice advertising this public hearing and request for public comment on technically complete solid waste permit application and the associated environmental assessment statement, EAS, was published on August 2nd, 2006 in the Catahoula News Booster, Jonesville, Louisiana, and in The Advocate, Baton Rouge,

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Louisiana. It was also published in the Marksville Weekly News and Cottonport Leader, Marksville, Louisiana on August 3rd, 2006. A copy of the material associated with the technically complete solid waste permit application and EAS is available for inspection and review at the LDEQ Public Records Center, Room 127, 602 North Fifth Street, Baton Rouge, Louisiana. Viewing hours are eight a.m. to four thirty p.m., Monday through Friday, except holidays. Additional copies are also available for review at the Catahoula Parish Library, Jonesville Branch, 205 Pond Street,

Jonesville, Louisiana 71343; the Catahoula Parish Police Jury, 301 Bushley Street, Harrisonburg, Louisiana 71340; the Avoyelles Parish Library Headquarters, 104 North Washington Street, Marksville, Louisiana 71351; the Avoyelles Parish Police Jury, 312 North Main Street, Courthouse Building, Marksville, Louisiana 71351, and the LDEQ Northeast Regional Office, 1823 Highway 546, West Monroe, Louisiana 71292. In addition, on August 2nd, 2006, copies of the public notice announcing this public hearing were mailed to individuals who have requested to be placed on the mailing list maintained by the Office of Environmental Services.

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In accordance with the Louisiana Administrative Code, Title 33, Part 7, Subpart 1, Chapter 5, Subchapter B, Section 517A.2.D, comments received by twelve thirty p.m., Thursday, September 28th, 2006, will be considered prior to a final decision. All comments received by twelve thirty p.m., Thursday, September 28th, 2006, shall be retained by the department and considered in determining whether to issue or deny the solid waste permit. Written comments on the technically complete solid waste permit application and the EAS may be submitted to Ms. Soumaya Ghosn -- that's S-O-U-M-A-Y-A, G-H-O-S-N -- LDEQ-OES, Environmental Assistance Division, P. O. Box 4313, Baton Rouge, Louisiana 70821-4313. Under Louisiana Revised Statutes Title 30, Section 2017 and as revised by the legislature in the 2004 session, the department is required to follow the following order with the provision that the presiding officer may give preference to a public official to speak anytime during the hearing. However, any time limit set for citizen testimony shall apply to public officials. The department must provide up to thirty minutes to the permit applicant for an introductory presentation. Thereafter preference

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for speaking up to one hour is given as follows. For the first hour, to those citizens who live within a two mile radius of the location of the facility. For the second hour, to those citizens who work within a two mile radius of the location of the facility. And for the third hour, to those citizens who live within the parish of the location of the facility. Thereafter each hour of the hearing shall alternate between those who are in support of the technically complete solid waste permit application and those who are opposed to the technically complete solid waste permit application. The order of speakers for tonight's hearing will be based upon the information provided by the speaker on the registration form. Anyone who registered to speak, but did not provide the necessary information will be given the opportunity to speak, however, they will be called last in the order of registration. This hearing is being

transcribed, therefore, I ask that each speaker begin by stating for the record their name, address and any organization he or she may represent. I also remind you to please turn off all cell phones. Thank you. At this time, the permit applicant's representative may come forward and make their

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introductory presentation. I have registration forms from Mr. Gordon Boutwell, Douglas Clark and W.S. DeBose.
[BY MR. CLARK:]
Good evening. I want to appreciate and recognize all of you for being here and participating in the process. I represent Two Rivers Recycling. My name is Douglas Clark. I'm the project manager. And for the record my address is 1319 Military Cutoff, Wilmington, North Carolina, PMB176, and that is in 28405. I would also like to introduce tonight the people who have helped design this facility to make it the safest, what we believe is the safest construction demolition facility in the State bar none and I'd like to introduce Mr. Gordon Boutwell. He's a professional engineer of forty-two years. He also has a Ph.D. in Civil Engineering. He is an expert in levees and was selected by the America Society of Civil Engineers and the National Science Foundation to determine, to investigate, to evaluate the cause of the levee failures in New Orleans. He has also designed our facility. Everything that you see in these two books, Dr. Boutwell has been responsible for preparing. Also

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he has recently testified in front of Congress in July of this year and has taught at LSU for landfill design and has won an award from LDEQ known as the Bentley Mackie Award. So as you can see, Dr. Boutwell is absolutely the best in this part of the country bar none and we have all the confidence in the world that he will design a facility that is absolutely safe. I am not going to spend a lot of time about the facility design. Dr. Boutwell will. And I'd also like to represent Dr. John Bryant who is also a Ph.D. in soil chemistry and in soil classification, and he was an individual who has had a lot of responsibility in helping me decide which one of the alternative sites that we evaluated was the best. We chose this particular site because it is underlain by twenty to eighty plus feet of shaly clay, which is, you know, is a very, very tight clay. We are glad to be here tonight to hear the view of the entire community whether you are opposed to the facility or whether you support the facility. We want to let everyone know that we are going to be model citizens -- that Two Rivers will be a model citizen in the community. We know there has been a tremendous amount of information and misconception

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01 based upon that information and we can not address
 02 all of them tonight, but we will try to address
 03 each and every one of those perceptions in our
 04 written response to LDEQ. Let me say that in
 05 addition to the public notices that were noted by
 06 LDEQ, there have been at least six other public
 07 notices given and we held a special meeting in
 08 District 9 at Larto Lake of Catahoula Parish where
 09 a number of people in attendance here participated.
 10 The general location of our facility is as you can
 11 see on the map, the facility boundaries are marked
 12 in blue. It's approximately fifty-two hundred
 13 acres. The actual site, however, that we are
 14 seeking a permit for is approximately in this area
 15 here. It is two hundred and ten -- two hundred and
 16 seven acres in size and Dr. Boutwell will describe
 17 some of that. And I wanted to talk about our
 18 nearest neighbors. There are several noteworthy
 19 American -- Native American sites that are known on
 20 the site. The closest one to the facility is a
 21 mile away and that is referred to as the dragline
 22 site. Some people may know it as the old ditch
 23 site, which was the very site that the farm
 24 discovered while digging a ditch. The farm
 25 immediately stopped that project of digging this

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01 ditch and they called in expert archaeologists and
 02 that has resulted in all of the information that
 03 has been written about, discussed, evaluated. It
 04 all began with the operators and owners of the
 05 Delta Saline Farm. We are located within the Delta
 06 Saline. The second closest area of concern is
 07 known as the Mays Mounds, which is one and a half
 08 miles away, and then there's a lot of talk about
 09 Cowpen Slough and that is over 1.5 miles away. And
 10 when I say away, I mean from the outside closest
 11 edge of our cell, so it's a long ways away.

12 BY MR. DANNY WILEY: I deny
 13 that.

14 [BY MR. CLARK:]

15 Lake Larto on the other hand from the southern
 16 edge of our facility is about 3.5 to 4 miles away.
 17 Marksville as we noted was some 18 miles away, but
 18 by road it's 37 miles. Jonesville is about 18
 19 miles away by the way the crow flies, but by road
 20 is another 30 miles away, so we're in a very remote
 21 location. Also if you want to refer to this side
 22 along the river, we are south of Lock Number 1
 23 between Mile Markers 4 and 7. The other points I'd
 24 like to make very quickly is that there is
 25 absolutely a demonstrated need for the construction

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01 of this facility to accommodate demolition and
 02 construction demolition debris in the New Orleans
 03 area and the Katrina area. There is not sufficient
 04 capacity with enough environmental protective
 05 measures, so we have proposed this facility here.

06 This facility also has a number of benefits. The
07 benefits are that if we were not transporting
08 materials by barge, they would be transported to
09 other landfills in trucks and because one barge
10 holds the equivalent of seventy trucks, moving by
11 barge saves a significant amount of money that
12 would otherwise be spent repairing highways and
13 bridges. There is also a significant economic gain
14 to Catahoula Parish and we believe to the regional
15 economy because we are going to rely upon local
16 residents to work with us to make sure that we
17 operate the safest C&D facility in the State. We
18 are also relying upon all local vendors, all local
19 contractors, professional engineers and the like.
20 The facility itself has been significant over-
21 engineered from the standard LDEQ design for
22 construction and demolition sites and we have done
23 that by placing the entire facility above ground.
24 We're not placing construction debris on the
25 surface. We are going seventeen feet above ground
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01 in the middle of this facility of the two hundred
02 acres and it will have a two percent slope moving
03 to the outside. This prevents any water from
04 potentially leaking through that facility and it's
05 also underlain by dozens of feet of clay, so if you
06 do not have any water percolating through, there
07 can be no possibility of a leak. What you have to
08 then do is to guard against any potential
09 contamination from runoff, so we have developed a
10 second levee system that surrounds each one of
11 these cells and that water then can not be
12 discharged until it meets very specific criteria
13 that is established by LDEQ, and this is probably
14 the only construction demolition facility in the
15 State that has integrated into its design a
16 groundwater monitoring system. In most facilities,
17 there is groundwater monitoring systems around the
18 perimeter of the facility. On our site, the
19 groundwater, the first wells are located on the
20 levees that immediately surround each cell. So
21 we're not talking about hundreds or thousands of
22 feet away. We're talking in yards away. I know
23 that a lot of people have concerns over the
24 Formosan termites and we have worked very closely
25 with a number of experts and entomologists in the
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01 field and with Louisiana Department of Agriculture
02 and Forestry. We will fumigate every single barge
03 after these steel hatches are placed upon these
04 barges and the fumigant will be introduced and it
05 will stay there for however long the fumigation
06 experts determine and the lids will be taken off
07 and inspected prior to coming to us. Then when the
08 barges arrive here, we have an inspection area.
09 Everything is laid out on a lined area and we
10 inspect and we're not allowed to take tires, white
11 goods, there's a whole host of things we can not
12 accept. Those materials are picked up manually and

13 stored in what we call a non-compliant storage area
14 where those materials within forty-eight to
15 seventy-two hours will be removed to a location
16 approved by LDEQ. I'd also like to mention about
17 the destruction of wildlife habitat. This farm,
18 thirty-five thousand plus acres, has been operating
19 consistently for thirty-one years. So when you go
20 to the farm, what you see are very flat and the
21 most beautiful cotton fields and soybean fields
22 that I've seen. And so we are not, as people would
23 like you to think, building on top of sacred Native
24 American sites and we are collecting as many facts
25 as we can. We are retaining professionals to help

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01 us look for those sites and I've written letters to
02 both Chairman Barbry and to Chief Norris pledging
03 that we will not impact any significant
04 archaeological site burial ground without going
05 through the consulting process that is set out for
06 all of us to follow. And lastly, I just wanted to
07 dispel the idea that we're going to be handling any
08 sort of toxic or hazardous materials. That is not
09 the case. Now let me turn it over to Dr. Boutwell
10 who will make a few points on the design.

11 [BY DR. BOUTWELL:]

12 The long and the short of it, the short being
13 me, and I notice that the hearing officer and I are
14 the only ones who didn't have time to change out of
15 our working clothes. My name is Gordon Boutwell.
16 I live at 3113 East Lakeshore Drive in Baton Rouge,
17 70808. I am the president of a firm in Baton Rouge
18 called Soil Testing Engineers and I am here, of
19 course, as the designer of this particular
20 facility. As Doug Clark mentioned, this is a
21 construction and demolition debris or so called
22 Type III facility. It is not intended to nor will
23 it be permitted to handle hazardous waste, toxic
24 things, industrial, you know, all the things that
25 really worry us. Now, as far as where we are, the

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01 actual cell that Two Rivers is trying to permit at
02 this time is located at this point here. Can
03 everybody hear me without the mic? Okay. Thank
04 you, sir. The cell that we're trying to build is
05 right here. If you'll notice, it is surrounded by
06 its own perimeter levee. That levee is higher than
07 the Red River levee, so if there is any flooding in
08 the area, this will be an island. Now, as far as
09 what happens to rainwater, rainwater is collected
10 within the perimeter levee that's got enough area
11 and volume to handle all water that will fall in
12 there in the DEQ required design and stored. That
13 water is then transferred to the detention pond at
14 this location where it will be tested, treated if
15 necessary, and then and only then discharged into
16 Cowpen Slough. Okay. That takes care of the
17 surface water. Now, I am primarily a general civil
18 with a lot of expertise in soil, so I'm not much of
19 a surface water man. To help with this, I got

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Keith Capdicon at Brian Hammock and Associates in Ferriday. I've worked with Hammock and Associates for years and years on other landfills and so they have a zero learning curve for what had to be done here. Now, as I said, my big bag is the subsurface. Yeah, if you'll just hold it up

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please. Thank you, Doug. This diagram is one of the sections that we took through the facility based on borings which my firm made to DEQ's specifications for a solid waste site that it is for a municipal solid waste site. Here is where cell one is going to be, and you'll notice the green, dark green and light green. Those are clays. So we have quite a bit of natural clay underlying our facility. Down here at a depth of around, between twenty and eighty feet, we come into a sand. That sand underlies the whole area and that's the one where we're going to do the groundwater monitoring because that's the most likely flow path, but basically we've got good geology here. Next please. I mentioned the groundwater monitoring. We set some temporary wells out here at the site to try to figure out which way the groundwater was flowing. And just like it does along the Mississippi River, along the Red it's doing the same thing, and that is when the Red River is high, water is flowing away from the Red River in that deep sand. When the water in the Red River is very low, the water in the deep sand flows back to the Red River. So we have two what we call down-gradient directions. In other words,

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downhill on the groundwater map, the water can flow in two directions, toward the river, away from the river. For that reason, we have monitoring wells spaced out on both the river side and the side away from the river. These wells meet the distance requirements for a more stringent situation, a municipal solid waste site. Okay. Next. We'll just show that, but this one is real important. Here I'm showing you a cross-section through the final design on this thing is highly exaggerated vertically, okay? These slopes are a lot flatter than you see. The dark green shows the original grade out there now, the real land surface as it is now. In order to provide drainage from the waste mass, we are building up a pyramid of dirt about fifteen feet high in the center, and the reason for this is so that when water seeps down through this debris, it will flow off to the sides where it can then be taken off to the treatment pond. Above this structural fill, which will be a clay by the way, we have a three foot re-compacted clay line. Now, that means we put the dirt in. First off, we select a good clay that we can compact and get very high resistance to water flow. We put this in in layers. Each layer is tested and approved before

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01 the next one goes on and basically we meet a
02 criterion on the resistance to water flow that DEQ
03 has established for in this case municipal solid
04 waste facilities and we're not even that. So we
05 have an excellent groundwater protection system
06 here. It's more than any of the C&D landfills that
07 I have worked with before. Very few people are
08 willing to do this. Okay. Those are the primary
09 features. Now, another thing that is done is that
10 at least every thirty days and more often if
11 necessary, the waste mask is covered with a daily
12 cover which can be either six inches of clay or one
13 of the DEQ approved spray on covers. This keeps
14 down the potential for any odors if we had anything
15 in there that would rot and the only thing we've
16 got that would rot would be wood that I can think
17 of. So that pretty much covers the design of the
18 thing. If you want more details, the permit
19 application is full of details including how we
20 test things, how we lay them out, what they're
21 designed to do. All the different features of the
22 design, they're all in there. So with that, I've
23 concluded the engineering viewpoint. And, Doug, do
24 you have anything further?
25 BY MR. CLARK: No.

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01 [BY DR. BOUTWELL:]
02 In that case, thank you very much.
03 [BY MR. SMITH:]
04 Did you want to introduce those exhibits?
05 BY MR. CLARK: Yes, please.
06 [BY MR. SMITH:]
07 Okay. We want to put these as "Exhibits 1-A,"
08 "B," "C," and "D."
09 BY MR. BOUTWELL: Mr. Hearing
10 Officer, all of those are directly
11 out of the permit.
12 [BY MR. SMITH:]
13 All right. It's your choice whether you want
14 it...
15 BY MR. CLARK: Yeah, we can put
16 them as "Exhibits 1-A" through "E."
17 [BY MR. SMITH:]
18 Okay. I will now begin by allowing all
19 persons who have signed up to speak for three
20 minutes in which to present their comments. Anyone
21 who needs more than three minutes will be allowed
22 to finish his or her comments after all the
23 registered speakers have had the opportunity to
24 speak. The first to speak will be those citizens
25 who live within a two mile radius of the location

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01 of the facility. The next group will be -- the
02 next group of speakers will be those who work
03 within a two mile radius of the location of the
04 facility. Next are those citizens who live within
05 the parish of the location of the facility. At

06 this time I will call on those citizens who are --
07 at this time I will call -- at this time we have
08 some, we have some speakers who have asked for
09 preference as public officials and I'm going to
10 call those individuals at this time. Mr. Charles
11 Myer...

12 BY MR. MYERS: Yes, sir.

13 [BY MR. SMITH:]

14 ...president of the Police Jury.

15 BY MR. MYERS: I'm Charlie
16 Myers.

17 [BY MR. SMITH:]

18 You need to come up to where you can speak in
19 the microphone. We're going to ask all the
20 speakers when called to come up to the podium to
21 give their name, their address and any organization
22 that they may represent.

23 [BY MR. MYER:]

24 Well, I'm Charlie Myers. I'm president of the
25 police jury and on behalf of the jury I would like

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01 to say that this jury does support a hundred
02 percent this proposal.

03 [BY MR. SMITH:]

04 Thank you. Next I have Mr. Russell Purvis.

05 [BY MR. PURVIS:]

06 My name is Russell Purvis. My address is 407
07 Mound Street in Jonesville. I'm a lawyer in
08 Jonesville and I represent the Catahoula Parish
09 Police Jury and I also represent the Town of
10 Jonesville. At this time I have a resolution from
11 the Town of Jonesville, from the mayor and the
12 council supporting the project wholeheartedly and I
13 would ask that that be introduced as part of the
14 record.

15 [BY MR. SMITH:]

16 We'll accept this as "Exhibit 2."

17 [BY MR. PURVIS:]

18 And Mayor Wilson is here and I -- to support
19 the project. I think its support -- when I
20 graduated from law school in 1975, I think
21 Catahoula Parish had the second lowest per capita
22 income of any parish in Louisiana and I think
23 Louisiana was the lowest per capita income in all
24 the states, so we've made a lot of progress, but
25 tonight we're standing at a crossroads. The parish

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01 is struggling. We have not been as fortunate as
02 some of our neighboring parishes with a tax base
03 that would give them the abilities to provide for
04 their citizens. We've struggled. The parish is
05 struggling financially almost a daily basis. Under
06 the agreement that we have negotiated with Two
07 Rivers, the income to the parish under the
08 projected use of the facility would more than
09 double, so that would mean that we would -- our
10 present budget would be twice as much. That would
11 give us monies to fund infrastructure, give us
12 monies to give us the roads and bridges, remodel

13 the courthouse that's falling down, all of you
14 know, and it will give us a lot of things that we
15 wouldn't have. You know, our people are working on
16 little of nothing and it would give us a chance to
17 give some raises to all our employees and help all
18 the parish. So that's why the parish is so for it,
19 but the police jury is behind it. I think all of
20 the people who have related to the police jury
21 wholeheartedly support it and I voice that tonight.
22 Thank you.

23 [BY MR. SMITH:]

24 Next I have Mr. Jackie Paulk.

25 [BY MR. PAULK:]

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01 My name is Jackie Paulk. I'm vice-president
02 of Catahoula Parish Police Jury. I represent
03 District 9 on which the facility's ground would be
04 located and I guess I'd say I'm here to represent
05 the people in my ward that does support this and
06 the majority of the people in Ward 9 does support
07 it and we've got a small minority that don't and
08 we've got some out of parish people that have camps
09 on the lake that don't support the project, I'm
10 aware of that, but the majority of my people do
11 support it. They are concerned because it's going
12 to create jobs and a lot of our people work away
13 from home and they're looking forward to the jobs
14 so they can stay at home and make a living for
15 their family. Thank you.

16 [BY MR. SMITH:]

17 Thank you. All right. Next we're going to
18 have those citizens who live within a two mile
19 radius of the location of the facility. Mr. Otis
20 Wiley, Jr. Mr. Wiley.

21 [BY MR. OTIS O. WILEY, JR.:]

22 I'm on my way.

23 [BY MR. SMITH:]

24 All right. Good.

25 [BY MR. OTIS WILEY, JR.:]

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01 My name is Otis O. Wiley, Jr. My address,
02 3119 Highway 3102, Jonesville, Louisiana 71343.
03 That is really a misnomer since I live on Larto
04 Lake approximately four miles down the road from
05 the landfill. We have had various people come up
06 here and do a most excellent presentation for their
07 side. I wish to say at this point that there are
08 consultants out here who are doing a fantastic job
09 of taking the application and basically shredding
10 it. These consultants will be admitting their
11 information and their evidence to the DEQ for a
12 final technical analysis. Rest assured that there
13 are not only consultants involved on this, there
14 are various organizations who are opposed to this,
15 for an example, Ducks Unlimited. In Catahoula
16 Parish, Ducks Unlimited is very strong. The
17 question is who do you believe in, Catahoula
18 Parish, Duck Unlimited who are against it, or your
19 Catahoula Parish Police Jurors? Another person

involved in this or I should say organization is environmental groups. Two to be exact. One is known as the Louisiana Environmental Action Network based out of Baton Rouge. They are on record against the permit of this facility. They have furnished a consultant. The person would have been

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here tonight. Either (a), she ran into bad luck, or (b), she got lost from point A to Harrisonburg, Louisiana. I prefer to think that she got lost between here and Harrisonburg, Louisiana -- there and Harrisonburg, Louisiana. However, this person's credentials are exemplary. Example, a lot of people remember Rapides Parish and their landfill fiasco. One of the most prominent and strongest police juror's there ever was in Rapides Parish led the fight to bring that landfill to Rapides Parish. (Quote), "Nobody could beat him." Not only was the landfill defeated, but so was he and his police jurors that supported him. It does make you think a little bit, doesn't it? People are of the type that they will give you the benefit of the doubt, but you don't lie to them. You don't mislead them and, you know, the longer it drags on, the more that sunshine of proof gets out and people begin to think, people begin to question and they say, you know, they told us that they had this permit nailed down, there was no way to stop it, but wait a minute, they're having these public hearings in Avoyelles Parish, they're having them in Catahoula. Where are these organizations coming from that are opposing it? Why? Why did they

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oppose a similar landfill in North Carolina where it got so bad politically that...
[BY MR. SMITH:]
Time's up. Would you finish your sentence and you can...
BY MR. DANNY WILEY: He can have my time.
[BY MR. SMITH:]
...always come back after everyone else has had a chance...
BY MR. OTIS WILEY, JR.: Sure.
[BY MR. SMITH:]
...and you can speak as long as you'd like.
BY MR. OTIS WILEY, JR.: If you'll do that...
[BY MR. SMITH:]
Right.
BY MR. OTIS WILEY, JR.: ...I'd appreciate it.
[BY MR. SMITH:]
Sure.
BY MR. DANNY WILEY: He can have my time.
[BY MR. SMITH:]
All right. Mr. Danny Wiley is next. Everyone

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01 will get a chance to finish. I just want to go
02 through and let everybody have a chance first and
03 then you can come back up after.
04 [BY MR. DANNY WILEY:]
05 Oh, I'm not going to get excited. I probably
06 don't even need this microphone because probably
07 everybody can hear me like it is. But folks, I'm
08 going to tell you something. As far as this
09 landfill deal...
10 BY UNIDENTIFIED PERSON: You
11 need to give your name and address.
12 [BY MR. DANNY WILEY:]
13 My name is Danny Wiley. I live at 1929
14 Highway 3102, Larto, Louisiana 71343. But all of
15 the people on Larto are against this landfill.
16 BY MEMBER OF AUDIENCE: Amen.
17 [BY MR. DANNY WILEY:]
18 And some that don't affect them and don't fish
19 none and don't live by it that live in Catahoula
20 Parish is for it because they want tax money.
21 That's what they want. I've lived there all my
22 life and we've suffered through a lot of things on
23 Larto Lake, but Jonesville wouldn't be the town
24 today that it is if it hadn't been for Larto Lake
25 and Black River. They made it. But anyway, you
□

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01 know, this thing is going to be closer to Larto
02 Lake and Larto Bayou than what he first commented.
03 It's closer and it's not a half a mile from it,
04 from Larto Bayou and it backs up right into Larto
05 Lake. It's dry as a bone now almost, but it backs
06 up right into Larto Lake. And we get backwater and
07 we don't need water that's contaminated. But like
08 I said, you know, there's a lot to be said that you
09 can't say in three minutes. I don't know, they got
10 more time than what we got. But anyway, the police
11 jury voted this thing in. They kind of slipped
12 this thing in blind on us. We'd have been to the
13 meeting if they hadn't have slipped it in very,
14 very easy right in the middle, but they did do it
15 and they all voted for it. But see, it won't have
16 any impact on any of the police jury members.
17 None. None. Not where they live or nothing. But
18 the only thing we have at Larto, Louisiana is Larto
19 Lake and we don't want it destroyed. We don't want
20 to take a chance on it. We've fought pesticides,
21 herbicides. They turned it into a mud hole in
22 1973. Before we got the flood, it wasn't nothing
23 but a mud hole. Killed all the fish and
24 everything. And we're tired of people, even these
25 folks that own this place, come to our church two
□

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01 or three times and they put a couple or three
02 hundred dollars in the plate, but then whenever we
03 started bucking them on it, we haven't seen them
04 anymore. I wonder what happened to these good
05 religious people. They said they were our

06 neighbors. They wasn't visitors. They were our
07 neighbors. Well, where have these neighbors been,
08 you know? And this is the same thing that
09 Louisiana Delta did years ago. They come in, they
10 built the mound for the church, they give them some
11 property to put a church on, they did everything
12 for the -- the people with their bulldozers and
13 everything. I was the first man to put a plow in
14 the ground at Louisiana Delta, so I know what the
15 game plan is. And these folks here bought this
16 property way before Katrina ever hit, before
17 Katrina ever hit and they knew exactly what they
18 were going to do with this disposal area.

19 [BY MR. SMITH:]

20 Once again, your time is up.

21 BY MR. WILEY: Thank you.

22 [BY MR. SMITH:]

23 The next speaker is Oscar Wiley. The next
24 speaker is Oscar Wiley. If Oscar doesn't come, I'm
25 going to go to the next one.

¶

Page 30

01 [BY MR. OSCAR WILEY:]

02 My name is Oscar Wiley, 1937 Highway 3102,
03 Larto. I don't know what more to say than what's
04 already been said, but I do know the landfill is
05 not a half a mile of airline away from our little
06 school down there and the only way you're going to
07 get that stuff off of barges is by clamshell
08 buckets and when that stuff gets airborne, you get
09 a south wind, it's going right to our little school
10 and you can't keep asbestos out of the air when
11 it's in there. And they can't kill all the
12 termites. They can shut them up in there and them
13 termites in that wood, it's not going to penetrate
14 those woods. And like my brother said, this was
15 all started before Katrina come along and we know
16 that they're going to bring New York garbage around
17 the coast, down to Alabama within three hundred
18 miles and then ship it on to our place. We don't
19 need all their garbage from up north. We've got
20 enough of our own down here.

21 BY MEMBER OF AUDIENCE: Amen.

22 [BY MR. OSCAR WILEY:]

23 And I thank you.

24 [BY MR. SMITH:]

25 Thank you. Next we have Groner Wiley.

¶

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01 BY MEMBER OF AUDIENCE: Grover.

02 [BY MR. SMITH:]

03 Grover. I'm sorry.

04 [BY MR. GROVER WILEY:]

05 Folks, I'm Grover Wiley, 150 Birdnest Lane,
06 Larto Lake. Not Jonesville, Larto Lake. I'm one
07 of the brothers, three of these two that just
08 spoke. I would like to say this. I have a lot of
09 political friends and we're going to put it in this
10 perspective. The little man has no pull. It comes
11 from the big man down. I am tired of political
12 overtures that pulls and get in this. We have a

13 country we call Sportsman Paradise. Louisiana was.
14 What part of it can you call Sportsman Paradise
15 now? It's been raked over, it's been scraped over
16 and again, our country is being used for the patsy
17 of other people's benefit. People in Jonesville,
18 people in Harrisonburg, you're friends, that's
19 fine. But we're taking the scrapings of the bowl
20 while ya'll grab, or I say ya'll, the people up
21 this way grab the rest of it. We take the dirties
22 as we always have in the past and we're tired of
23 the dirties. We're ready for some of the benefits
24 we haven't had. Our lake has gone to heck. Now,
25 it's going to go a little bit further. I won't

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01 take the full three minutes, I say this is it, but
02 we're tired of it and will not stop fighting.

03 BY MEMBER OF AUDIENCE: Amen.

04 [BY MR. SMITH:]

05 All right. The next group of speakers will be
06 those who work within a two mile radius of the
07 facility and the first speaker that I have is Mr.
08 John P. Bryant.

09 [BY MR. JOHN P. BRYANT:]

10 I want to thank you...

11 [BY MR. SMITH:]

12 Give us your name and address please.

13 [BY MR. JOHN P. BRYANT:]

14 My name is John P. Bryant. I live at, let me
15 see if I can remember this long number, 23262
16 Highway 124, Jonesville, Louisiana, about halfway
17 between Jonesville and Larto Lake. And, you know,
18 there are no secrets in this landfill project. So
19 many people feel that they're being deceived and I
20 feel like that most of this results from
21 misinformation, misinformation both in the media
22 and personal. A lot of it is financially
23 motivated. We've heard a lot of things. We've
24 heard so many rumors. I even saw an article in the
25 paper some fellow was afraid there was going to be

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01 body parts floating around his place and I remember
02 that being in the newspaper. And so we just have
03 all kinds of rumors. We've gotten ourselves almost
04 in a hysterical mode and there is no reason for
05 that. It's just a pure and simple landfill. I've
06 heard about odors and that's been talked about.
07 This is debris that shouldn't cause odors unless
08 the wood molds or something like that, there could
09 be some kind of odors. I've heard about toxicity,
10 hazardous waste materials. There are none of these
11 to go there. This landfill is not licensed for
12 that. But I hear a lot of the comments talking
13 about toxicity. I even heard once that someone was
14 afraid the asbestos would get in the lake and kill
15 the fish and everyone that knows a little bit about
16 asbestos knows that that can't be true. It's
17 basically an inert material. I've heard about
18 water, afraid the water is going to move up Larto
19 Bayou. Well, water does when the Red River rises,

20 but it can't get from this landfill up Larto Bayou.
21 Now, if there is a flood, you say, well, but there
22 might be a flood. Over atop this sixty-two foot
23 levee? Listen, if there is a flood that overtops a
24 sixty-two foot levee, we're not going to be worried
25 about the landfill. Besides that, the water is

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01 going to be headed towards the Gulf. It's not
02 going to be headed towards Larto. So it's
03 possible, anything is possible. Nothing is a
04 hundred percent. We can't say, no. But the risk,
05 we've got to look at the risk versus the benefits.
06 So I think the economic benefit, of course, well,
07 personally I feel like it's essential for Catahoula
08 Parish. It's already been talked about, the
09 financial condition and, you know, many people --
10 well, first of all, it's not just a haphazard
11 thing. You heard Dr. Boutwell speak about the way
12 the thing is engineered. It's just, again, the
13 risk. There is a risk. Nothing as I say is a
14 hundred percent, but it's minimal. We're in a poor
15 parish. This is not -- some people think we're
16 selling our soul in Catahoula Parish just for the
17 money and that, as you've heard, the engineering on
18 it, it's just pure and simple. It's not selling
19 our soul. It is engineered well.

20 [BY MR. SMITH:]

21 Your time is up.

22 BY MR. JOHN BRYANT: We're --
23 what's that? Time's up?

24 [BY MR. SMITH:]

25 Your time is up.

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01 BY MR. JOHN BRYANT: Okay.

02 [BY MR. SMITH:]

03 Thank you. After everyone is completed,
04 you'll have an opportunity to finish.

05 BY MR. JOHN BRYANT: Okay.

06 Thank you.

07 [BY MR. SMITH:]

08 I'd like to remind everybody also please, this
09 is the only place where I would like to have
10 anybody talking, making comments is on this
11 microphone up here, not in the crowd please. It's
12 very disruptive. It's not very polite. Thank you.
13 Mr. Johnny Deville.

14 [BY MR. JOHNNY DEVILLE:]

15 Johnny Deville, 137 O. Wiley Road,
16 Jonesville. I'd like to present a quick scenario
17 for all you parents. It's been said that this is
18 close to the school and that's correct. You've
19 also heard the experts say they're going to
20 transfer possibly contaminated water back and forth
21 through this. Let's just say that one mosquito
22 gets into this contaminated water and gets to the
23 school and a child dies. How would you like for
24 that to be on your conscience for something that
25 you introduced to the area to kill a human being,

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01 much less someone's child? When you go to bed
 02 tonight, I'd like for you to do one thing. When
 03 you speak to your grandchildren tonight or you tell
 04 your children goodnight, you think about having to
 05 bury them today and then go to bed. You think how
 06 that would be for your children and you just think
 07 of it. Now, I'd like to introduce this letter of
 08 opposition in the record. Thank you.
 09 [BY MR. SMITH:]
 10 We'll accept this exhibit as "Exhibit
 11 Number...
 12 BY UNIDENTIFIED PERSON: "3."
 13 ... "4"....
 14 BY UNIDENTIFIED PERSON: "3."
 15 [BY MR. SMITH:]
 16 ... "3," excuse me, from Mr. Johnny Deville.
 17 All right. Next is Lawrence Edwards. Did I get
 18 that one right?
 19 [BY MR. LAWRENCE EDWARDS:]
 20 My name is Lawrence Edwards. I live at 23156
 21 Highway 124, Jonesville, Louisiana. I'm a native
 22 son-in-law to a community with family and friends
 23 still living in the area. My family and I own land
 24 in the area. My wife and I, Joann and I oppose
 25 this project. I wonder how many of you have
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01 actually read the permit application plan that's at
 02 the library. I have and there are many
 03 inaccuracies and questions left unanswered. One,
 04 why should I believe any of this technical data
 05 when they don't even know where we live. The plan
 06 keeps referring to our community as Argo. Do any
 07 of you know where Argo is? I am fifty-nine years
 08 old and lived in the community all my life. I
 09 don't know where Argo is, but they keep reporting
 10 to the people as living in Argo. We don't. Our
 11 community is called Larto. Our school is called
 12 Central High School that they keep referring to.
 13 The homes nearest to the project are the LaPrairies
 14 right straight across the river from Larto Bayou.
 15 The location of the area is a flood prone area and
 16 about forty-eight feet msl. The levees listed in
 17 the plan are farm levees, not public levees. Red
 18 River topped these levees in '72, '73, '74, '75,
 19 '78 and '82. They were not built to withstand a
 20 hundred year flood. The soil type, cell one, that
 21 he showed you on, is Dundee-Alligator Complex
 22 according to the soil conservation service in
 23 Jonesville. It is not clay as they indicate. All
 24 the roads in the Larto community with the Larto dam
 25 around 3102 are flood prone, so how are we going to
 0

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01 get to this project when it's flooding? Much of
 02 the Catahoula Parish roads toward Vick is gravel
 03 and constantly needs maintenance. All of the
 04 drainage projects point back to Cowpen Slough which
 05 drains into Larto Bayou and into Red River or back

06 into Larto-Saline Complex depending on the water
07 levels. If any of the drainage for this projects
08 fails, the pollutants could end up in Larto Bayou,
09 Larto Lake, Red River or the Atchafalaya Basin, all
10 the way to the Gulf. Within the boundaries of this
11 proposed landfill site are many known Native
12 American archaeological sites. Many are documented
13 and there have been several burial sites excavated
14 very near the project. Bill Baker who worked for
15 many years for Louisiana Delta recorded and charted
16 many of these sites for the previous owners who
17 chose to protect them. Until three years ago, the
18 burial sites excavations were the oldest known
19 inhabitants of Louisiana, about thirty-five hundred
20 years old. According to the landfill application,
21 there will be a lot of dirt moved in and around
22 these excavations which could effectively destroy
23 or cover these Native American sites before they
24 have a chance to be documented or studied. Another
25 thing we're worried about is the spread of the

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01 Formosan termites from New Orleans to our area. I
02 am familiar with barge operations and barge
03 fumigations and no matter what they say, the so
04 called experts, you don't kill everything every
05 time you fumigate. Once you get them here, who is
06 going to pay the damage? The landfill project will
07 close in 2012 according to the plan, so we're only
08 looking at it being here six years. It would be
09 monitored for three more years. If the LDEQ
10 agrees, it will be abandoned by the present owners.
11 Who do you suppose is going to be pay, be
12 responsible for cleaning up this mess then? Two
13 Rivers will be long gone and you and I will be here
14 to deal with it. Our risks associated with this
15 project in a overflow area are just too great and
16 too important for us. I urge you to vote with your
17 heart and tell Doug Clark and Two Rivers to find
18 another area to build their landfill. Thank you.

19 [BY MR. SMITH:]

20 Thank you.

21 BY MR. EDWARDS: You're
22 welcome. Can I enter that
23 please?

24 [BY MR. SMITH:]

25 We'll accept this in the record as "Exhibit

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01 4." Thank you. We're going to take a pause for
02 about thirty seconds while we change a tape in the
03 back.

04 OFF RECORD

05 [BY MR. SMITH:]

06 It's now 7:04 p.m. and we just changed a tape
07 and we're going to continue now with the speakers
08 who work within a two mile radius of the facility.
09 Our next speaker registered is Mr. Billy Laprairie.

10 BY MEMBER OF AUDIENCE:

11 LaPrairie.

12 [BY MR. SMITH:]

13 Laprairie. I apologize for the names.
14 [BY MR. BILLY LAPRAIRIE:]
15 Not a problem. I'm Billy Laprairie. I live
16 at 155 Noble Wiley Road, Larto Lake. I'm a
17 construction worker. I want to congratulate these
18 gentlemen on an excellent presentation. I've built
19 several hazardous landfills. I worked with Mr.
20 Bryant for a while on Louisiana Delta. I'm
21 familiar with the man and his credibility is
22 unbelievable, you know, I mean he's a man of his
23 word. The only problem I have with the
24 presentation, they did an excellent job in showing
25 you everything when it was covered up and what
□

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01 wasn't going to get into it, but nobody said
02 anything about the time that it's going to be an
03 open, exposed pit. They can't raise that clay
04 layer up to put materials in it and let it back
05 down when they're through. It's going to be an
06 open pit until they cover it at the top. A three
07 hundred acre area. This is a ball park figure.
08 Probable side effects, my concerns, contamination
09 of our waterways, depreciation of our land value.
10 No one wants to live near a landfill. I know we
11 don't. A gathering place for all forms of
12 wildlife, raccoons, skunks, coyotes, which can
13 probably increase the possibility of such diseases
14 as distemper, parvo, rabies. That's a scientific
15 fact. Crows, buzzards, all forms of birds,
16 possible breeding ground for West Nile virus or
17 even the Bird Flu is a possibility. Slim, yes, no,
18 that's not supposed to be a problem, but who is to
19 say that what will remain that way. Maybe one day
20 someone will decide that it's probable to haul all
21 of Catahoula Parish's trash to this area, maybe
22 even make a deal with other parishes for their
23 trash. After all, we have three thousand acres
24 down here to store it in. The paper mill in
25 Pineville, the paper mill in Natchez, pogeys plant
□

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01 in Mobile, Alabama, who wants to live within four
02 or five miles of that smell, much less one or two
03 miles. Who wants their children sitting in their
04 classrooms at school with a southwest breeze
05 blowing across a three hundred acre landfill only
06 three miles away, excuse me, a mile and a half away
07 as the crow flies or as viruses and diseases fly,
08 you know, whichever. Also, who is going to pay for
09 these possible sicknesses, the Catahoula Parish
10 Police Jury or the landfill company? I don't think
11 so. The residents of Larto Lake area is who is
12 going to pay for it. Northern Catahoula Parish
13 doesn't have that concern right now, but who is to
14 say that Parhams Bend area or between Jonesville
15 and Harrisonburg are not next. They're river
16 navigable lands also. They can also be set up for
17 a landfill. Last but not least, I am the spokes
18 person for the Muddy Bayou Choctaw Band and as a
19 spokesman for my chief, our concerns are Native

American burial sites. How many and where, no one knows. Everyone speaks of two mounds, but I know of at least three. One is the old Fred LaPrairie home site on Red River within three-quarters of a mile of the center of this landfill. I can take anyone there anytime and show them the mound. It's

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there. Also are several artifact sites around the Big Hole area. These areas being the very center of the proposed landfill site. With the village sites there, there must be burial grounds. The landfill representative says that no burial sites will be desecrated. He sent a letter to the Native American people saying and guaranteeing this, but doesn't he know that the Native American people have received letters from railroad companies, congressmen and even presidents of the United States. Our history itself proves just how truthful those letters have been. All of these reasons are very serious concerns for us, the residents of southern Catahoula Parish. As spokes person for the chairman, our chief of Muddy Bayou Choctaw Tribe whose members live in LaSalle, Rapides and Catahoula Parish, we do now verbally request that the National Archaeological Society be brought in to explore all areas of proposed landfill sites before any work is done. Thank you.

[BY MR. SMITH:]

Thank you. We're going to accept this handwritten exhibit as "Number 5." Thank you. Our next speaker is Mr. Gary Matlock. Did I get that one right?

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[BY MR. GARY MATLOCK:]

You got that one right. I'm Gary Matlock, 2835 Highway 3102, Larto, Louisiana. I haven't lived here very long, but it is my homesteaded property. I've listened to all these folks. I've heard a lot of talk go around. I've been drilling oil wells for forty years. This clay that they're talking about, when you put all the weight that they're proposing to put on this clay, that water is going through it. Why do you think they make us case wells when we drill an oil well? To keep it from getting in the water. We've got otters, we've got bald eagles, we've got a lot of Native American people here. I'm married to one. I oppose this landfill and we will not stop fighting it.

BY MEMBER OF AUDIENCE: Amen.

[BY MR. SMITH:]

Next is Mr. Bill Burns.

[BY MR. BILL BURNS:]

My name is Bill Burns. I live at 2987 Highway 3102, Larto, or as it says in the zip code, now Jonesville, Louisiana. I researched this area very much as a wildlife biologist and as an avid sportsman before building my home here. Mr. Clark, at first I was open minded and neutral about this

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01 Two Rivers project, but now I can say I'm against
02 it. There are economic gains for some in this Two
03 Rivers project, but to me, the bad outweighs the
04 good. To the best of my knowledge as a wildlife
05 biologist, the Larto-Saline complex is the number
06 one fresh water fisheries in the State of Louisiana
07 and I in no way or fashion want to see any harm
08 come to this system. Larto Lake is famous and well
09 known for its abundance of large white perch, also
10 it's good bass fishing, cat fishing, commercial
11 fishing, etcetera, and it also contains also the
12 Saline complex where they run together. The site
13 of the proposed Two Rivers system is upstream from
14 Larto Bayou, okay, and at certain times in the year
15 we have a reverse flow on Larto Bayou and many
16 times the Red River water would back up into Larto
17 Bayou and also Larto Bayou then would back up into
18 Larto Lake. Discharge into the Red River, Larto
19 Bayou or Cowpen Slough could back flow into Larto
20 Lake, possibly containing contaminants. I agree
21 that I say possibly. Does DEQ want to be partially
22 responsible for any reverse flow contamination?
23 Something for DEQ to think about. I'm also
24 concerned of possible air and underground water
25 contamination of thousands of acres, both private

□

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01 and public, state and federal lands and waterways
02 including wildlife management areas and fish and
03 wildlife refuges downstream. The Larto-Saline
04 Complex also is a home for the bald eagle, American
05 alligator, black bear and contains numerous rookery
06 colonies of wading birds. I was told also that
07 there may be materials brought in and out of this
08 project site by truck and barge and if we're going
09 to have truck traffic in our small community, this
10 could be a problem. I think our narrow road system
11 which contains approximately twenty feet of hard
12 surface blacktop roads could not safely handle this
13 commercial traffic and jeopardize highway safety in
14 our small, rural community. I still do not know
15 exactly what and where from the materials coming to
16 this site. I also understand that possible
17 contaminants and a Formosan termite could be
18 brought into the site. I also have a copy here
19 from DEQ from Mr. -- going to Mr. Clark from Mr.
20 Chuck Carr Brown and in his letter it says
21 currently there are adequate numbers of debris
22 management sites within the hurricane affected
23 areas to handle the waste. Therefore, at this
24 time, no sites outside of the effected areas will
25 be evaluated to operate on an emergency basis.

□

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01 Additionally, the Formosan termite quarantine
02 prohibits removal and transport of material from
03 infested parishes. Thank you very much.
04 [BY MR. SMITH:]
05 Do you want to...

06 BY MR. BURNS: I really need to
07 re-do it and give you a copy.
08 [BY MR. SMITH:]
09 Again, I'll remind everyone that you can also
10 mail in your comments to the address that we have
11 and you can ask our public participation folks for
12 that address before you leave. All right. Our
13 next speaker, Mr. James A. Goode, Art Goode. Mr.
14 Goode.
15 BY MEMBER OF AUDIENCE: He's
16 gone.
17 [BY MR. SMITH:]
18 He's gone. All right. He says on his sheet
19 that he supports the proposed permit and he lives
20 in the parish.
21 BY MR. DANNY WILEY: What was
22 his name please?
23 [BY MR. SMITH:]
24 James A. Goode, G-O-O-D-E.
25 BY MR. DANNY WILEY: What

¶

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01 address?
02 [BY MR. SMITH:]
03 P. O. Box 187, Sicily Island, Louisiana 71368.
04 BY MEMBER OF AUDIENCE: He's
05 the mayor of Sicily Island.
06 BY MEMBER OF AUDIENCE: The
07 mayor of Sicily Island. He's
08 got a bad back and that's why he...
09 [BY MR. SMITH:]
10 Mayor of Sicily Island. Our next speaker, Ms.
11 Lacey Foster.
12 [BY MS. LACEY FOSTER:]
13 My name is Lacey Foster. I live at 403 Willow
14 Street, Jonesville, Louisiana 71343. I support the
15 proposed landfill. I think that it will bring jobs
16 to our parish and it will be an economic benefit to
17 the parish also. Thank you.
18 [BY MR. SMITH:]
19 All right. Thank you. Our next speaker,
20 Alice Smart.
21 [BY MS. ALICE SMART:]
22 I'm Alice Smart, 717 Bushley Street,
23 Harrisonburg, Louisiana. I took these off and I
24 can't see without them. I oppose this landfill.
25 There's a lot of people in Harrisonburg that does.

¶

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01 These meetings are held in such small rooms that
02 they can not come and voice their opinions. They
03 feel cheated. The victims -- when the victims of
04 Katrina tried to move into Catahoula Parish, we
05 voted them out. What makes anybody think we want
06 their trash? Thank you.
07 [BY MR. SMITH:]
08 Thank you. Okay. I think we have made our
09 way to those -- we've gotten through everyone who
10 lives within the parish, everyone who lives within
11 a two mile radius of the facility and everyone who
12 works within two miles of the facility. Our next

list of speakers, Wilma Subra.

[BY MS. WILMA SUBRA:]

A little change of pace here. My name is Wilma Subra. I'm from New Iberia, Louisiana, and I didn't get lost on the way up here. I work with the communities all over Louisiana and I know all the back roads. On behalf of Louisiana Environmental Action Network, the following comments are submitted in opposition to the permitting of the Two Rivers construction and demolition debris landfill. The basis for opposition to and denial of the permit are detailed as follows. There were flaws in the DEQ process

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during the permit application review process for the Two Rivers Recycling facility. And you kept saying over and over again the technically complete permit application and I don't feel it was technically complete when we moved forward into the comment period. On June the 28th, the DEQ, Department of Environmental Quality, issued a letter to Douglas Clark of Two Rivers. The letter was a notice of deficiencies related to the permit application and it requested a response within fourteen days. The notice of deficiencies specified that the permit application was deficient and not in compliance with the regulations. The deficiencies required more detailed plans on how non-conforming waste would be handled. On the same date, June 28th, 2006, the environmental science manager of the waste services section of DEQ issued a letter to Douglas Clark of Two Rivers Recycling. This letter requested six final copies of the complete permit application. The DEQ indicated in the letter that it was ready to do a final review of the application in order to insure that the document was acceptable for public review. So how can a document be complete when the agency is issuing a notice of deficiency on the same day?

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What process within the DEQ allowed the two conflicting processes, a deficiency and yet complete application to occur on the same day? On July 18th a response was submitted by Mr. Boutwell who I think has moved to the back of the room. This response was incomplete, did not respond to all the information requested and yet the DEQ judged the response from Mr. Boutwell as complete. The response failed to list the facilities to which each of the non-conforming waste is to be transported. Based on this information, the response to the notice of deficiencies was incomplete. It was later than the deadline DEQ established and it should have served as the basis for DEQ to deny the permit because as they said, if it didn't meet the deadline, they could deny the permit. We also have a lack of documents for a technical complete in this determination. Am I almost out of time?

20 [BY MR. SMITH:]
21 Twelve seconds.
22 BY MS. SUBRA: Okay. I'll come
23 back and do that one at the end.
24 Okay. I'll do it at the end.
25 Thanks.

¶

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01 [BY MR. SMITH:]
02 All right. Thank you. The next speaker is
03 Clint Subra. He waives. Next speaker, Rick Bryan.
04 BY MR. RICK BRYAN: My
05 presentation is three typewritten
06 pages. It will take more than three
07 minutes. It will take between ten
08 and fifteen. I'm willing to defer
09 my comments until everybody who
10 speaks for three minutes is through.
11 [BY MR. SMITH:]
12 Why don't you get started?
13 BY MR. RICK BRYAN: No. I
14 would rather do this. I'd rather
15 complete my presentation when I have
16 the....
17 [BY MR. SMITH:]
18 Mr. Bryan waives. Christine Norris, Tribal
19 Chief, Jena Choctaw.
20 [BY MS. NORRIS:]
21 Good evening. Can you hear me? My name is
22 Christine Norris. I am Tribal Chief of the Jena
23 Band of Choctaw Indians. Our address is Post
24 Office Box 14, Jena, Louisiana. We reside in
25 LaSalle Parish. I would like to thank DEQ for

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01 facilitating this meeting tonight so that citizens
02 do have a chance, an opportunity to make comments
03 concerning this proposed landfill. I want to first
04 start by saying that the Jena Band of Choctaw is
05 not opposed and fully supports economic development
06 for the betterment of our communities. However,
07 the Jena Band of Choctaw Indians is opposed to any
08 development that does not fully protect our
09 cultural and natural resources. It is a commonly
10 known and scientifically proven fact that lands
11 near Larto Lake is an area rich in Native American
12 culture. I think everyone that lives around here
13 in this community knows that. In fact, not one,
14 but several American Indian cultural sites have
15 been documented in the proposed landfill area.
16 Additionally, investigations by LSU in the 1980s
17 identified the location of numerous graves and
18 tribal remains near the project site, and Dr.
19 Romanowsky who was working for LSU at that time in
20 the 1980s stated that it was virtually impossible
21 to walk on plowed fields without stepping on Indian
22 pottery, ceramics or stone flakes. It is important
23 to note that some of the graves and remains were
24 found at depths of eight to nine feet. We believe
25 that this area contains some of the most

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01 significant Indian cultural sites in this country.
02 The Jena Band of Choctaw Indians is requiring that
03 full provisions of Section 106 of the National
04 Historic Preservation Act be applied to this
05 project. We specifically require that a Phase I
06 archaeological survey with shovel testing no
07 greater than thirty meter intervals be conducted.
08 Also because of the graves that have been detected
09 at depths exceeding eight feet, we are requiring a
10 ground penetrating radar survey to be conducted.
11 After these surveys are completed, we will be
12 willing to consult with the project managers on
13 preservation and possible mitigation of these
14 tribal sites. Again, I'd like to thank you for the
15 opportunity to be here and to voice my comments.
16 Thank you.
17 [BY MR. SMITH:]
18 Did you want to enter your comments into the
19 record?
20 BY MS. CHRISTINE NORRIS: No.
21 I've already sent a letter in.
22 [BY MR. SMITH:]
23 All right. We've reached the end of the
24 registered speakers. Is there anyone else who
25 would like to speak?

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01 BY MR. RAY BORDELON: I turned
02 in a yellow sheet and I didn't hear
03 my name called up here.
04 [BY MR. SMITH:]
05 What's your name, sir?
06 BY MR. RAY BORDELON: Ray
07 Bordelon, Avoyelles Parish.
08 [BY MR. SMITH:]
09 You can come on up. I don't doubt you. They
10 just didn't...
11 BY MR. RAY BORDELON: They done
12 knocked me down already.
13 [BY MR. SMITH:]
14 Did anyone else sign a yellow sheet that
15 hasn't had their name called? You may go, sir.
16 [BY MR. RAY BORDELON:]
17 I'm Ray Bordelon, president of Avoyelles
18 Wildlife Federation. My address is 1462 Highway
19 1187, Mansura, Louisiana. And like the lady just
20 talked a while ago, I think you used that term
21 technically complete twenty-six different times in
22 your presentation tonight and I wondered about
23 that, exactly why it was so adamant about
24 technically complete and I mean you made it clear
25 every time you mentioned it and it throws a lot of

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01 concerns, how technically complete are we, you
02 know, given all the pros and cons we hear of
03 tonight. We talked about a demolition site. This
04 is the first time I've heard this and it was in
05 your presentation. What do we have to demolish to

06 do a landfill? A wood waste landfill was what the
07 permit was applied for. Wood waste landfill. What
08 are we going to demolish there? It's very
09 concerning, you know. You also talked about we had
10 the need for another landfill for the Katrina
11 debris. It has been stated by Secretary McDaniel
12 that we do not need another landfill. DEQ
13 secretary, that we had ample landfills in New
14 Orleans. A federal judge just closed one this last
15 week in New Orleans East due to contamination.
16 Closed the landfill and they're contaminating with
17 their own materials. Very, very concerning. We
18 talked about the protection and how good this thing
19 is going to be. Apparently you haven't been around
20 Louisiana and seen the seventeen and twenty-one
21 inch rains we get around here and how are we going
22 to take care of this water and test it and what
23 have you. We talk about the testing DEQ is going
24 to do on this water. Folks, I'm from Avoyelles
25 Parish. We've got organizations in Avoyelles

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01 Parish that have never been in compliance at DEQ
02 testing and are still operating today, so how much
03 faith do we have in DEQ and how are they going to
04 test and control this over here. Very, very
05 concerning, folks. And this is -- I guess you know
06 that I'm against this, but I just wanted just for
07 the record...

08 BY MEMBER OF AUDIENCE: I'm
09 glad you clarified that.

10 [BY MR. RAY BORDELON:]

11 We talked about how this unloading and how
12 we're going to protect the community and what have
13 you. Apparently you have never seen a barge
14 unloading area. Folks, it is impossible on
15 controlled materials to unload it. They have to
16 dredge the areas out to get barges in and now we're
17 going to do it with buckets and try to -- with wood
18 waste materials. Folks, it's contamination number
19 one, that's all it's going to be. Our river, our
20 water stream. They talked about the smell, you
21 know, how they're going to control that. It won't
22 be no smell. Apparently ya'll haven't visited New
23 Orleans in the last several months. I mean my God,
24 you can't drive through there. You know, all these
25 things. The Formosan termite. I lived in New

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01 Orleans for twenty some odd years and I fought the
02 termites. They eat my home up, you know. They'll
03 eat through concrete and we're going to kill those
04 things. We've fought the northern migration of
05 Formosan termites for over forty years now and
06 we're going to barge them up here. I don't think
07 so. You know, I just don't understand how DEQ
08 could even consider this thing here. I know it's
09 political. I know what it means as far as the
10 windfall for Catahoula Parish Police Jury folks,
11 but let me tell you, we've heard a lot of good
12 people talk here tonight and I would not want to be

13 in the political shoes of some of these people that
14 vote for this thing because I can tell you one
15 thing I do know, there is no way that DEQ or
16 anybody else can control this thing, especially in
17 the sump area that it's being built in. And I
18 thank you, folks, and I'll have my comments again
19 in Avoyelles Parish on Thursday night. Thank you.

20 [BY MR. SMITH:]

21 All right. At this time I want to call the
22 speakers who feel like they'd like to add to their
23 comments. I'm going to try and go in pretty much
24 the same order that they went originally in. I
25 don't remember exactly who was first, but I want to

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01 say the gentleman standing back there with the
02 flowered hat may be the first one that got cut off.

03 BY MEMBER OF AUDIENCE: Just
04 say Panama Jack.

05 [BY MR. SMITH:]

06 And we'll just try to do this as orderly as
07 possible. Everyone that needs to continue their
08 comments is going to get an opportunity and I'm not
09 going to cut you off this time, okay...

10 BY MR. DANNY WILEY: Thank you.

11 [BY MR. SMITH:]

12 ...unless it gets too far afield. I'm going
13 to throw that little ground rule in there. Just
14 repeat your name and your address for the record.

15 [BY MR. OTIS O. WILEY, JR.:]

16 For the record, my name is Otis O. Wiley, Jr.,
17 3119 Highway 3102, Jonesville, Louisiana 71343.
18 During the comment period when I was addressing the
19 audience, I made the statement that there were
20 consultants aboard. There were Ducks Unlimited
21 people aboard. Now you are beginning to get a
22 feeling of what is for. It is a beautiful
23 coalition. There are people who have never --
24 organizations that have never worked before coming
25 together. Where can you gather now, my people?

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01 And I'm going to tell you this, it ain't Larto Lake
02 no more. This is state wide. This project will be
03 a political football in the governor's race. It
04 will be a political issue on every legislator's
05 race in the state of Louisiana. The natural, or I
06 should say this, the environmental groups, your
07 hunting, your fishing organizations, even your
08 solid waste people will be fighting for
09 legislation, so we will never, ever have to worry
10 about another facility coming into a very poor
11 economically unstable area and just walk away after
12 nine years and say hey, people, it's signed off.
13 Now, police jurors, after nine years, you got
14 environmental problems, you pay for it. No, the
15 people of Catahoula Parish pay for it. Money,
16 health, recreation. The people of the State of
17 Louisiana will pay for it. This is an issue that
18 is way beyond Catahoula Parish now. The jobs they
19 are going to bring, great, for nine years. What

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20 are you going to do after that, people? You've got
21 a three hundred and fifty-five foot monstrosity.
22 Think about that. Where's the jobs going? Whoops!
23 Where did the money go? I don't know, the police
24 jury should be able to tell us. Do you believe
25 that the Catahoula Parish Police Jury, you know,

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01 with forty millions is going to save anything for a
02 rainy day? That's the reason we're all from
03 Catahoula Parish. Everybody knows it. Very few
04 people will say it, you know. Well, what are you
05 going to do? How are you going to rectify this
06 situation after nine years if there is an
07 environmental problem? Where are you going to get
08 the money to come in and do all this work? At this
09 present time, I will once again just like I did in
10 the newspaper, yes, I have a political agenda. My
11 political agenda is to bring Governor Blanco and
12 every legislator in the State of Louisiana on board
13 against the issue of a permit for Catahoula Parish.
14 It will be done, people. It may take us a while.
15 We may have to keep this thing tied up in court for
16 years, but in the meantime, we've got strong people
17 right here and they're not going to run because
18 I'll tell you something, I'll let you in on a
19 little surprise. All these people of Avoyelles
20 Parish, Rapides, LaSalle, Catahoula, Concordia, we
21 are all settled by people who were raised to spit
22 in the devil's eye, the majority of us. We don't
23 believe in bending at our knee and holding up our
24 hand and give me my forty pieces of silver. No
25 way. If it's right and we believe in it, you're

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01 going to have to kill us because we're not going to
02 stop. We're going to fight it. We're going to
03 fight it. And, you know what, it's people like
04 that all over the state of Louisiana. They belong
05 to environmental groups. They belong to Ducks
06 Unlimited. They belong to fishing organizations.
07 They are average people who work hard and you know
08 what, they want a future for their children and
09 their unborn children. They want them to be able
10 to enjoy what they grew up enjoying, and that
11 people, is the way I'm going to end this
12 conversation.

13 [BY MR. SMITH:]

14 Thank you. All right. Ya'll are going to
15 have to help me with who was next? Was it one of
16 you fellows on the side there?

17 BY MEMBER OF AUDIENCE: Danny
18 Wiley.

19 BY MR. DANNY WILEY: Big mouth
20 here.

21 [BY MR. SMITH:]

22 Come right on up.

23 BY MR. DANNY WILEY: Well, you
24 know, I just, I love to talk anyway
25 and we...

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01 [BY MR. SMITH:]
02 Give us your name and address again.
03 BY MR. DANNY WILEY: Oh, again?
04 [BY MR. SMITH:]
05 Yes, sir. Thank you.
06 [BY MR. DANNY WILEY:]
07 Danny Wiley, 1929 Highway 3102, Larto Lake,
08 Louisiana 71343. And we're back to it again. I
09 just have a few things that I wanted to mention,
10 and I can see where there is some folks that wasn't
11 from here in the Larto Lake area would like to see
12 it. There's some that was a manager for Louisiana
13 Delta Farms when this Two Rivers bought the
14 property from them that was for it. They may stay
15 here, may not, who knows. We got to stay here.
16 It's our home. Like I said before now, my mother
17 was half Choctaw Indian and I've got a sister
18 setting over there. She's a prime example of it.
19 But there was some graves according -- I was
20 working and oiling on the dragline for Louisiana
21 Delta Farms when they first dug into the grave
22 sites and they shut it down and the archaeologists
23 come and then they started. I was down there
24 whenever they was with their little brushes and
25 little shovels and everything else and uncovered

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01 them and it was as high as three bodies stacked on
02 top of each other. I don't know what caused that
03 or why they did it that way, I don't know, but I do
04 know that last year whenever they built up that
05 levee over there, they covered the graves of those
06 people deeper under the ground and disturbed the
07 resting place and nobody deserves that. Nobody
08 deserves anything like that. And, you know, as far
09 as the contaminations go, I worked in a refinery
10 about thirteen years and we had all kinds of
11 chemicals and stuff like that and we was under
12 strict, strict rules, but yet, you know, every once
13 in a while something happened in an emergency and
14 this refinery, when it come off the pond and was
15 tested and everything, it ran into a lake called
16 Wallace Lake and over the years, it killed
17 everything in that lake but turtles. Now, DEQ
18 stays close on it and they do the best they can,
19 but sometimes things happen that they just can't
20 control and they might not be able to fix. But
21 this is a dangerous situation we're playing with
22 here and I'm just another one of them Wileys that
23 they were talking about, but there's about four
24 generations of us Wileys on Larto Lake and there's
25 grave sites on Larto Lake and mounds on Larto Lake.

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01 But, you know, that is important, but it's not as
02 important as the lives of people that live today,
03 you know. You don't take a chance on people's
04 lives and that would be just exactly what would be
05 taking place if the landfill was to pass in the

06 wind. Now, like I said, I know that, I'll go back
07 on my police jury, and I haven't said enough about
08 that situation. I know they need money. I've
09 never seen a police jury who didn't need the money,
10 but, you know, there is a way to spend money. And
11 we're talking about rebuilding the courthouse, you
12 know, and all that kind of stuff and they're really
13 looking forward to it, but we're not looking
14 forward to it at the expense of costing us our
15 lives or sickness and when we get back there again,
16 on the police jury, I don't think that the police
17 jury was really well informed whenever they passed
18 this resolution. I think if they'd have had all
19 the materials then and then if they would have put
20 it out in a public way like that big sign right out
21 there on that door, public hearing, at public
22 places, I think they would have never passed it
23 because the police jury room wouldn't have held the
24 people that would have come and opposed it, but it
25 slipped in in a little bitty piece of black ink in
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01 the Jonesville Booster and nobody said nothing.
02 They were quiet mouthed until it was already done.
03 I feel like that our rights have been violated by
04 the police jury by not informing the public and
05 especially our police juror in District 9. He
06 voted -- we voted him in and he's to represent us,
07 but he didn't do it, and like I said, we're real
08 unhappy about that. But all I can say is again,
09 that we are definitely against it and we're going
10 to fight it until there's not a life left in our
11 bodies. I appreciate ya'll's time and thank you a
12 lot.
13 [BY MR. SMITH:]
14 Thank you. Ms. Subra, did you want to
15 continue your...
16 BY MS. SUBRA: Does he want to
17 go first and then I'll continue?
18 [BY MR. SMITH:]
19 Sure. Give us your name and address for the
20 record.
21 [BY MR. RICK BRYAN:]
22 I'm Rick Bryan from Pineville, Louisiana,
23 today representing the Louisiana Alderman Council
24 which is composed of representatives from alderman
25 chapters throughout the state. The Water Resources
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01 Committee of the Louisiana Wildlife Federation, the
02 Rapides Wildlife Association and Hunters for
03 Hardwoods, both affiliates of the Wildlife
04 Federation. I've also served on the governor's
05 advisory board -- advisory panel for coastal forest
06 conservation and use which has provided me a good
07 overview of the coast and its problems since the
08 hurricanes. First let me say I have empathy with
09 the Catahoula Parish Police Jury. Governments
10 everywhere are strapped for funds. You are not
11 alone. At the same time, I feel a oneness with
12 this parish and its people from the steep Sicily

13 Island hills to the rich crop lands, overflow lakes
14 and bottomland hardwoods in the Larto area. The
15 Alderman Council has a longstanding policy of
16 opposing landfills in flood planes. In no place is
17 this more appropriate than here in this unique and
18 scarce overflow ecosystem. This wetland system
19 that includes two National Wildlife Refuges, four
20 Wildlife Management Areas, a wonderful fishing
21 complex extending from Larto Lake to Saline Bayou,
22 a Louisiana scenic river stream to Shad Lake and
23 down to Larto. A system that includes Catahoula
24 Lake, one of the ten most important wetlands in
25 North America and a migratory bird habitat of

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01 international importance. A system that includes
02 the endangered pallid sturgeon and three threatened
03 species. Are we going to jeopardize this for a
04 landfill in a flood plane? Despite the assurances,
05 we have every reason to fear that lead from old
06 pipes and fixtures, lead from the paint on old
07 house boards, asbestos, mercury and other heavy
08 metals will turn up in the refuse stored in this
09 landfill, that the bank of the Red River will cave
10 in under strong currents or that the rainwater
11 inside the levee around the cells will overflow or
12 need to be pumped out and contaminate the
13 groundwater or surface water including the Red
14 River and Larto Lake. The question is not really
15 is this a safe place, but is this the best site.
16 Is it safer than a landfill that is not in a flood
17 plane? Should DEQ persist in this matter? Let me
18 point out that by virtue of a trusted and
19 established and reaffirmed on numerous occasions of
20 the Louisiana Supreme Court, Article 9, Section 1,
21 of the Revised State Constitution requires before a
22 project is approved, other sites, other projects
23 and additional mitigation must be fully considered
24 consistent with the health, safety and welfare of
25 the public. Isn't this what we're really talking

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01 about, the health, safety and welfare of the people
02 of Catahoula Parish and other places? Other sites
03 considered must include one outside the flood plane
04 and one that is not in a biological diverse
05 critically important wildlife habitat and overflow
06 system second in size only to the Atchafalaya
07 Basin, a site that will jeopardize the health and
08 livelihood of those who live and work here, one
09 that is closer to the material source and thus more
10 energy efficient to operate. As Dr. Brown pointed
11 out in his letter to Mr. Douglas, there are
12 adequate numbers of debris management sites within
13 the hurricane affected areas. Other projects could
14 include honoring the original settlers by creating
15 a historic site and when funds become available, an
16 interpretative center. The culture of Native
17 Americans who lived here more than a thousand years
18 before Christ walked this earth is fascinating to
19 many and it might contribute to the economy long

20 after the landfill money is gone. If this landfill
21 is approved, what will prevent those who were
22 banned from building landfills in North Carolina
23 from going all over this State promoting landfills
24 in other unsafe places? And why were landfills
25 banned in North Carolina? What do they know in

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01 North Carolina that we don't know? To be legal
02 under the state constitution, DEQ has two choices,
03 either answer all the questions, consider all the
04 possibilities, all the alternatives, consult with
05 US Fish and Wildlife on the listed species,
06 Wildlife and Fisheries on the scenic river and the
07 Department of Culture, Recreation and Tourism on
08 historic sites, and present this to the public for
09 comment in a comprehensive environmental
10 assessment. I got my first chance to look at the
11 EA that DEQ had prepared about five p.m. and it
12 raises more questions to me than it answers. The
13 EA states there are no threatened endangered or
14 rare species within the project area. I know for a
15 fact the Federal Fish Hatchery in Natchitoches
16 raised several thousand endangered pallid sturgeon
17 at public expense and released them at the Old
18 River control structure. So you guarantee me that
19 none of these have gone up the Red River? Bald
20 Eagles regularly come to Catahoula Lake. They have
21 been seen on the Red River south of the project
22 site. Are you going to guarantee Bald Eagles won't
23 feed in toxic waters? The retaining wall around
24 the first cell will be twenty feet high and will
25 require lights. Will these lights repel or attract

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01 birds? I suppose this is the only barge site
02 between here and the coast that's suitable. And
03 you're going to go through every barge piece by
04 piece and take out the tires and methyl mercury in
05 the boards. You know, I'm delighted to know that
06 methyl mercury and lead aren't toxic and that the
07 backwater will stop at one thousand feet from the
08 landfill. It is apparent to me that Mr. Clark and
09 DEQ really don't comprehend the function of a
10 backwater ecosystem. Since other better sites are
11 available and this one is so fraught with adverse
12 possibilities, DEQ can do the right thing today
13 simply by denying this permit one more time. We
14 conclude the comments on the public record for this
15 permit application. Thank you for the opportunity
16 to comment on this great area and for your
17 consideration.

18 [BY MR. SMITH:]

19 Thank you. Ms. Subra.

20 [BY MS. SUBRA:]

21 Once again my name is Wilma Subra. I'm from
22 New Iberia, Louisiana. Where I stopped before was
23 on the lack of documentation for a technical
24 completeness determination. On July the 31st of
25 2006, DEQ issued the notice of technical

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01 completeness to Two Rivers. The letter referred
 02 the final copies of the permit application that was
 03 submitted from Two Rivers. The July 18th submittal
 04 to DEQ was not the copies of the permit
 05 application. The July 18th submittal was the
 06 response, inadequate that they were, to the notice
 07 of deficiency and did not include the final copies
 08 of the permit application. This response to the
 09 notice of deficiency is only the document in the
 10 document record. The ones of the final permit are
 11 not in the document record and I will submit a copy
 12 of the document record for the file. In the second
 13 sentence of the DEQ's July 31st letter, DEQ stated,
 14 (quote), "After review of the submittal of July
 15 18th, it has been determined that your Two Rivers
 16 permit application and subsequent information are
 17 technically complete." But remember, July 18th was
 18 not the submittal of the permit application and now
 19 it's ready for review. DEQ, one, failed to
 20 adequately review the response to the notice of
 21 deficiency and determine that it was inadequate and
 22 didn't specify the things they asked; two, DEQ
 23 determined that the permit application was
 24 technically complete when the latest information
 25 requested by DEQ was lacking in completeness, and

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01 three, DEQ determined that the permit application
 02 and previously accepted revisions and appropriate
 03 sections was technically complete and was accepted
 04 for public review when no document was submitted to
 05 the file and to DEQ. The DEQ file on Two Rivers
 06 lacks the correspondence from and copies of the,
 07 (quote), "final copies" submitted by Two Rivers for
 08 the final review by DEQ to insure that the document
 09 was ready for public review. The submittal of the
 10 permit applications were dated April 26, 2006 and
 11 August 2nd, 2006 and we're going to talk about the
 12 August 2nd one in just a minute. Thus according to
 13 the DEQ file record, there was no submittal of the
 14 permit application following the June 28th, 2006
 15 date of request for complete application and the
 16 issuance of the notice of deficiency. Now, the
 17 public notice, and you showed us the public notice
 18 on August the 2nd, it was actually published in the
 19 paper. That meant it had to be brought to those
 20 newspapers you had on the slide prior to the final
 21 being accepted by DEQ. The documents when the
 22 public notice came out in the morning paper were
 23 not in the DEQ files. DEQ issued the notice of
 24 completeness on the 31st of July and two days later
 25 in the morning the notice came out in the papers,

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01 The Advocate and one of the other papers. The
 02 second paper was on the 3rd. So when you look in
 03 the documents in the record, it's not there. It
 04 didn't arrive at DEQ until after everyone had
 05 already read their morning paper. It's

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06 inappropriate to make arrangements to have a notice
07 published and have the newspapers publish it when
08 the document is not available in the files and that
09 means DEQ didn't even do that one final look.
10 These flaws in the permitting process should be
11 used as the basis for denying Two Rivers' permit.
12 Now, let's talk about the environmental assessment
13 that you put up there as the, (quote), "second part
14 of the document submitted." The alternative sites,
15 which is what you alluded to, evaluation process
16 was performed after the permit application was
17 submitted to DEQ and thus must result in DEQ
18 denying the permit for the Two Rivers facility.
19 First we had an IT Legal and I'm assuming that you
20 are in the legal division of DEQ. So the permit
21 application for the Two Rivers site was submitted
22 initially to DEQ on January the 20th of 2006.
23 January the 20th. On February the 16th, the Two
24 Rivers Recycling environmental assessment state
25 portion, the EA was sent by Joyce Stroud, the

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01 router with the DEQ Legal Affairs Section, to
02 Meredith, the attorney for the DEQ's Legal Affairs
03 Section, and attached was this legal log. The type
04 of review that was requested of Meredith was IT,
05 which is the save ourselves supreme court decision
06 that you must look at alternative sites and
07 locations, and the date due on the routing that
08 went to Meredith was March 3rd, '06. Meredith
09 signed off on the document on the legal log page on
10 March 3rd, '06. She made her deadline with a note
11 under the comments section of the legal log.
12 Meredith's comments were not acceptable, need
13 revisions and supplements. It was a twelve page
14 document. It's now I think sixteen pages. The
15 twelve page environmental assessment attached to
16 the legal log had handwritten comments on eleven of
17 the twelve pages in the same handwriting as
18 Meredith's comments on the log page. The
19 handwritten notes included questions from Meredith,
20 suggestive wording, instructions to re-write,
21 statements such as this paragraph does not make a
22 whole lot of sense and not clear notes in a number
23 of locations. Under Section C, the possible
24 alternative project section, Meredith wrote what
25 are the alternatives, why was each rejected. Under

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01 the section to consider alternative sites, Meredith
02 filled in the whole white space on the page with
03 notes. The following are some of her notes
04 handwritten on the alternative sites. What other
05 sites were considered? Why each rejected? If no
06 other considered, clearly explain. If no other
07 sites are identified, then perhaps Two Rivers
08 should state a traditional alternative site's
09 analysis was not appropriate for the proposed
10 facility because the main focus of the facility
11 involved transporting by barge. The text submitted
12 by Two Rivers for this section, this initial text

13 stated that the facility location was selected
14 because it met all of the site criteria and then
15 there was this, (quote), "Two Rivers evaluated the
16 entire thirty thousand plus farm," and you've heard
17 them over and over tonight talk about the farm.
18 That's what they evaluated. It's clear that Two
19 Rivers did not perform an alternative site
20 evaluation process prior to submitting the permit
21 application. This lack of alternative site
22 evaluation should be used as the basis on which to
23 deny the permit. So then there was another
24 application pages submitted and then Joyce once
25 again on May 18th sent to Meredith a revised Two

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01 Rivers environmental assessment with the due date
02 of June 6th. The comments section on the legal log
03 contained the handwritten comments, the permit
04 writer should review this IT response carefully.
05 The environmental assessment contained handwritten
06 notes such as not clear, explain better. But this
07 is the crucial part. The revised text contain many
08 of the suggestions handwritten by Meredith on the
09 original environmental assessment submittal.
10 Herein lies a real problem. The first IT legal log
11 had a due date of March 3rd. The legal log and
12 attached environmental assessment had handwritten
13 notes by Meredith consisting of thirteen pages and
14 was signed off by Meredith on March the 3rd. On
15 March the 29th, the DEQ water and waste permit
16 division issued a notice of deficiency permit
17 application technical review number one. The
18 permit review comments which listed the
19 deficiencies did not list or refer to any of the
20 issues from the environmental assessment section of
21 the permit application. The notice of deficiency
22 was four pages in length, so it could not possibly
23 have contained the thirteen pages of legal affairs
24 review comments. The second notice of deficiencies
25 was issued on June the 28th, well after the May to

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01 June 2006 review period by legal affairs.
02 Therefore, Two Rivers made corrections to the
03 environmental assessment based on comments from
04 Meredith which were handwritten on the
05 environmental assessment. However, the record does
06 not reflect where Meredith, the Legal Affairs
07 Section, the Permit Division or the Secretary of
08 DEQ transmitted these comments from the legal
09 affairs section to Two Rivers. It's not in the
10 file that Meredith's comments went to these people,
11 but yet when you look at their submittal, they did
12 most of the comments she asked. So the lack of
13 documents that the legal affairs division provided
14 comments on, the environmental assessment to Two
15 Rivers and was instrumental in the re-write of the
16 environmental assessment should serve as the basis
17 for denial of the permit application by Two Rivers.
18 Now, the second problem situation is that the
19 alternative sites consideration section -- you

20 don't have squirm, it's okay -- of the
21 environmental assessment suddenly contains
22 alternative sites. He talked to you about you're
23 supposed to look at alternative sites and
24 alternative technology. Well, the second iteration
25 suddenly contained alternative sites after Meredith

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01 sort of held their hand through it. The revised
02 text contains a statement "Two Rivers evaluated a
03 number of other potential locations." These are
04 the names of the newly developed potential
05 locations, the Rock Pile, Blood Road, Ice Cream
06 Land and Avoyelles Property. Three of the four
07 sites did not have navigable river access or the
08 ability to construct a barge terminal and yet the
09 main focus in the application that Two Rivers has
10 continued to say is barge transportation in order
11 to get the waste to the site. In addition, the
12 information provided on each of the alternative
13 sites is totally insufficient for DEQ to perform
14 their required alternative site evaluation, not for
15 DEQ to tell the applicant how to write that
16 section. Based on the notes provided by Meredith,
17 Two Rivers developed an after the fact alternative
18 site list. Such an after the fact process fails to
19 comply with the regulatory requirements and should
20 be used as the basis of the permit denial.
21 Louisiana Environmental Action Network requests
22 that the flaws in the permit application, the due
23 process, the incomplete permit application, the
24 lack of documentation of transmittal of documents
25 to Two Rivers and the after the fact alternative

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01 site evaluation process be used as the basis for
02 the denial of the Two Rivers' permit application by
03 DEQ. Thank you. And I have a copy of all of that
04 including the attachments that I referred to and
05 the code numbers that go with the file record.

06 [BY MR. SMITH:]

07 We will accept it for the record as "Exhibit
08 Number 6." All right. Thank you. Is there anyone
09 else who would like to come forward and speak at
10 this time? Just give us your name and address
11 again for the record. All right. We need to hold
12 off. We're going to take a short break while we
13 change a tape.

14 OFF RECORD

15 [BY MR. SMITH:]

16 Let the record reflect that the time is now
17 8:01 p.m. and we are resuming with citizens
18 comments. Go ahead, sir.

19 [BY MR. JOHN BRYANT:]

20 I'm John Bryant, 23262 Highway 124,
21 Jonesville, Louisiana. I just had a couple of more
22 comments and I think I stopped before on saying
23 that this is not a haphazard facility, almost over-
24 engineered, top engineering principals and
25 expertise reviews the soil property evaluated and

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01 then if the soil in the percolation zone that's
 02 important, not the surface ten or twelve inches.
 03 But after listening to some very emotional
 04 comments, I'll end mine with maybe somewhat
 05 emotional. But we know that in this parish, we
 06 know that we live in a rural area, that's been
 07 stated before and everyone knows that, but it's the
 08 future that's important and a strong future begins
 09 with the very basics. I'm talking about education,
 10 infrastructure we have, roads, bridges, so forth,
 11 the tax base we'd have, the job opportunities, and
 12 so far, this parish, our parish typifies inadequacy
 13 in all of those categories. Now, we live in a poor
 14 area and many among us, well, maybe not many, but
 15 some among us like it poor and they're determined
 16 to stay poor, but I'm not one of those. I think
 17 that we should move ahead. This thing is well
 18 engineered. I understand that people, some people
 19 oppose. They certainly have the right to do that.
 20 And maybe the majority is opposed. I don't think
 21 so, but it's possible. But I just don't want this
 22 parish to remain poor. I've worked on two or three
 23 projects and I'll have to say every one of them
 24 have been shot down. Nobody -- well, I can't say
 25 nobody. A minority shoots them down and people say

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01 that they're tired of this, they're tired of that,
 02 they're tired of being walked on. As far as the
 03 early American society is concerned, I can speak to
 04 that too. I'm five thirty-seconds Creek myself, so
 05 when people ask me did my ancestors come over on
 06 the Mayflower, I say no, they made it. So I can
 07 relate to some of those things. I know that
 08 they're important and no one is going to allow
 09 anything like that to happen. It's absurd, but we
 10 make very emotional comments about it. I just want
 11 to say that here is another opportunity, a well
 12 engineered, a well founded facility that gives this
 13 parish an opportunity to build an infrastructure,
 14 to build their education, build the tax base,
 15 provide job opportunities and even though -- we're
 16 not going to -- if this facility goes, I don't
 17 know, but I don't think it's going to hire any
 18 three or four hundred people. It might hire only a
 19 few people, but still we're building a foundation
 20 for future jobs and we're not going to get any jobs
 21 in this parish until we build that. People look at
 22 this place and they say well, everybody here, where
 23 do your children go? They go off to college. Most
 24 of them never return. What is there to return to?
 25 There are no jobs not in their field of expertise,

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01 so that's part of the reason that I would like to
 02 see the facility go. Thank you.
 03 [BY MR. SMITH:]
 04 Thank you. Are there any other comments?
 05 BY MR. DOYLE WIGGINS: Yes, I'd

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06 I like to make one please.
07 [BY MR. SMITH:]
08 Go ahead please, sir. Just give us your name
09 and address and any group you may represent.
10 [BY MR. DOYLE WIGGINS:]
11 I'm Doyle Wiggins. I'm Police Jury District
12 5. My address is 163 Woody Road, Jonesville,
13 Louisiana, and I'd like to say I've got twelve
14 hundred and fifty people in my district and I have
15 not had one person oppose this landfill and I also
16 feel like that this landfill is a Catahoula issue.
17 We don't go over in Avoyelles Parish, Rapides
18 Parish, LaSalle Parish and tell them what they need
19 to do or not to do, but this is a Catahoula Parish
20 issue and like I said, I have not had one person
21 oppose this landfill. Thank you.
22 [BY MR. SMITH:]
23 Thank you. Are there any other comments?
24 Give us your name and address for the record
25 please, who you represent.
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01 [BY MR. DOUGLAS CLARK:]
02 My name is Douglas Clark. I'm the project
03 manager for Two Rivers Recycling. My address is
04 1319 Military Cutoff, PMB176, Wilmington, North
05 Carolina 46805. I just wanted to end with a few
06 comments. The first I think and most important
07 concerns American Native burial sites and
08 prehistoric sites. We have begun the process of
09 speaking with various tribes. We will continue to
10 do that. There seems to be a number of people who
11 have testified to say they know where these sites
12 are and we welcome those folks to work with your
13 various Indian tribes to locate on a map where
14 those sites are because we do not know and we have
15 been searching the documents at the Louisiana
16 Department of Archaeology, we've spoken with people
17 at LSU, we've spoken with a number of people
18 associated with the State in this part of -- I
19 think it's Morgan, Louisiana. So we're trying to
20 put together as much information as we can. So if
21 you do have information, please work with the
22 tribes and let us know where those locations are.
23 I would also like to mention that someone
24 mentioned, someone stated that the movement of soil
25 on our site will desecrate certain prehistoric
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01 sites. And again, there is a lack of understanding
02 because perhaps we didn't state it clearly enough,
03 but it is clearly stated in the permit application
04 that we have no intention of coming anywhere close
05 to those burial mound. And I will tell you again,
06 if it had not been for the Delta Saline Farm and
07 its managers, we would not have known about the
08 very same sites that people want us to protect.
09 Well, those sites have been protected by the farm
10 for over thirty years, so somehow the concept that
11 the farm, its tenants or any other companies such
12 as ours would go in and intentionally disturb those

13 sites is just unfounded. So again, for the third
14 time, please work with us and identify those sites,
15 but I ask you to work through the tribes and to
16 work through the Department of Archaeology. The
17 reason why is the maps to those sites are not
18 public records. They're not public records because
19 people have been known to go to those sites and to
20 dig them up. We do not want that to happen. We
21 have no trespassing signs all over our facility.
22 We do not want people there. We will not allow
23 people there, but yet there are people there still
24 combing the fields, looking, digging and that will
25 not be permitted. We do ask everyone, however, to
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01 become a part of that process, identify those
02 sites, not to your neighbors, but to the tribes who
03 know how to pass that information on to the
04 Conservation Preservation Department and the
05 Department of Archaeology. I would also like to
06 state that there have been comments made of what
07 happens if this company goes bankrupt, what happens
08 if we take off. Well, there's a trust fund
09 mechanism that is required by state law and we have
10 met those requirements for the trust fund, and the
11 trust fund is designed by the size of the facility
12 and we have to put in sufficient amount of money
13 which is determined by the Department of
14 Environmental Quality into this trust fund. So
15 that is how a company if they take off in the
16 middle of the night or they go bankrupt or they go
17 this or that, that money is in a trust fund to take
18 care of that situation. I would also like to
19 address the confusion around what people have said
20 to be a letter from Assistant Secretary Chuck Carr
21 Brown denying our permit and someone published that
22 letter in the newspaper, but I will tell you, we
23 applied under the emergency permit rules of the
24 Louisiana Department of Environmental Quality. We
25 met with them several times to understand what
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01 those emergency rules were. Those rules changed
02 several times through the months of Katrina. So we
03 did receive a letter from Chuck Carr Brown denying
04 us the emergency permit application, not the permit
05 application we're talking about here. The
06 department determined that we were outside of the
07 emergency area declared by the State. Well, we are
08 inside the emergency area declared by FEMA. It
09 doesn't matter. We went back, did all of the
10 engineering required, did all of the site
11 assessments required looking for the other sites
12 and we developed this permit application and
13 somewhere, I'm not sure, there does seem to be
14 confusion in the record and I am not sure which one
15 of those was because of the emergency permit
16 application and this permit application, I just
17 don't know, but there actually were two
18 applications submitted. One was under emergency
19 and this is under the standard permit application.

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And those end my comments. Thank you very much.

[BY MR. SMITH:]

Thank you. Are there any other comments?

Anyone have anything to say before I close the record tonight? Okay. I'll remind you that the comment period for this technically complete solid

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waste permit application and associated environmental assessment statement for Two Rivers Recycling, LLC, ends at twelve thirty p.m., Thursday, September 28, 2006. A second public hearing regarding this permitting action is scheduled to be held on Thursday, August 24th, 2006 starting at six p.m. in Marksville at the Avoyelles Parish Police Jury Meeting Room located at 312 North Main Street, Marksville, Louisiana 71351. I have received a total number of six exhibits during this hearing. If there are no other comments, I thank you for your attention and participation in this hearing. Let the record reflect that the time is now 8:14 p.m. This hearing is closed.
HEARING CONCLUDED 8:14 P.M.

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CERTIFICATE

STATE OF LOUISIANA

PARISH OF AVOYELLES

I, ANN BAKER, Certified Court Reporter, do hereby certify, as the officer before whom the above testimony was taken, that the foregoing transcript was recorded by me, prepared and transcribed by Sondra Joiner, and is a valid transcript only when accompanied by my signature and original seal on this page.

I FURTHER CERTIFY that the foregoing constitutes a true and correct transcription of the recording of the Public Hearing August 22, 2006 as shown in the foregoing transcript.

I FURTHER CERTIFY that I am not related to any of the parties, am not of counsel for any of them, and have no financial interest in the outcome hereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature at Effie, Louisiana, this 26th day of August, 2006.

ANN BAKER, CCR #91147